

### **REMARKS/ARGUMENTS**

These remarks are submitted responsive to the Office Action dated December 10, 2008 (Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

#### **Claim Objections**

Claim 1 was objected to due to informalities.

Appropriate correction has been made.

#### **Claim Rejections – 35 USC § 103**

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,818,920 to Rignell, *et al.* (hereinafter Rignell) in view of U.S. Patent 6,574,486 to Labban (hereinafter Labban), U.S. Patent 6,853,711 to Brisebois, *et al.* (hereinafter Brisebois), GB 2284965 to Seppo (hereinafter Seppo) and U.S. Patent 6,934,543 to Wang, *et al.* (hereinafter Wang).

Applicants respectfully disagree with the rejections and thus have not amended the claims. Applicants have added Claims 23-24. The added claims are fully supported by the original disclosure and no new matter has been introduced.

#### **Aspects of Applicants' Invention**

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by Claim 1, is a method for providing an originating party utilizing an originating pervasive Communication Device (PCD) with information local to a receiving party utilizing a receiving PCD.

The method can include identifying an attempt to originate a call or a message from the originating PCD to the receiving PCD; prompting the originating party utilizing the originating PCD to decide whether or not to receive information local to the receiving PCD; upon the originating party deciding to receive the information local to the receiving PCD, sending a request for the local information to a service provider of the receiving PCD from a service provider of the originating PCD; and retrieving the information local to said receiving PCD by the service provider of the receiving PCD. The local information comprises a current time, date, and location of said receiving PCD and information indicating whether the receiving party is not to be disturbed.

The method also can include querying the originating party as to whether to display the current location information of the receiving party; and supplying the retrieved local information to the originating party. Whether or not the current location information of the receiving party is displayed depends on an answer of the originating party to the query.

The method further can include prompting the originating party to select an appropriate action among available actions upon receiving the local information of the receiving party. The available actions include connecting the call or message to the receiving party, deferring the call or message to a more appropriate time, sending the call or message to a voicemail or mail box of the receiving party, and disconnecting the call or message. If the originating party indicates that the call or message is urgent, determining whether to send an alert signal to the receiving PCD based on the determined local information and the received indication.

See, e.g., Specification, page 8, line 20 to page 11, line 18; see also Figs. 1-2.

### **The Claims Define Over The Prior Art**

As already discussed in the previous responses, in Ringell the local information only includes the local time (see col. 7, lines 15-18, lines 21-25; col. 8, lines 5-8, 16-20), whereas in the present invention the local information includes a current time, date, and

location of the receiving device and information indicating whether the receiving party is not to be disturbed. Although in Ringell the date may be calculated from the time zone, calculation is different from getting the information directly from the service provider of the receiving PCD. A location is different from a time zone because a location is not limited to indicate the time difference. Similar to the date, Ringell does not disclose getting the information indicating whether the receiving party is not to be disturbed directly from the service provider of the receiving PCD.

It is also noted that Ringell does not disclose prompting the originating party to decide whether or not to receive information local to the receiving party, as in the present invention. In contrast, in Ringell the prevention device informs the calling communication terminal of the local time of the new communication terminal prior to connection without prompting for the decision of the calling party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18). It was asserted in the Office Action that one of ordinary skill in the art would clearly recognize whether automatic or manual operation to provide the requested information. However, it is not clear how one of ordinary skill in the art would clearly recognize prompting the originating party to decide whether or not to receive information local to the receiving party from the disclosure of automatically forwarding the information about the local time of the time zone of the called party to the calling party as in Ringell.

It is further noted that Ringell does not disclose querying the originating party as to whether to display the current location information of the receiving party, wherein whether or not the current location information of the receiving party is displayed depends on an answer of the originating party to the query, as recited in independent Claims 1 and 23-24 of the instant application. In the present invention, the caller can decide if the location of the called party should be displayed. For example, for a display of local information such as "It is now Thursday Apr. 27, 6:00 pm GMT or 4:00 am on Friday Apr. 27 in Sydney Australia," if the caller does not wish the location to be disclosed, then an alternate message can be "It is now Thursday Apr. 26, 6:00 pm GMT

or 4:00 am on Friday Apr. 13 at the called party's location" (see Specification, page 9, lines 19-21). It was asserted in the Office Action that one of ordinary skill in the art would clearly recognize whether automatic or manual operation to provide the requested information. However, it is not clear how one of ordinary skill in the art would clearly recognize querying the originating party as to whether to display the current location information of the receiving party from Ringell when Ringell does not even disclose that the local information includes the current location information.

The other cited references do not make up for the deficiencies of Ringell as discussed above.

It was asserted in the Office Action that Brisebois discloses that the local information (e.g., context information) comprises a current date (see col. 2, lines 46-50; col. 3, lines 7-9). However, it is noted that in Brisebois the date refers to the date at which a message was left (see col. 3, lines 7-9), not the current date of the receiving device when the calling party originates the call.

It was asserted in the Office Action that Seppo discloses querying the originating party as to whether to display the current location information of the receiving party (see par. bridging pgs 6-7). However, it is noted that the paragraph bridging pages 6-7 of Seppo only discloses the display of the time of day of the destination area, not the location information of destination area.

Finally, it is noted that the Examiner did not address all the arguments presented in the previous response.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1 and 23-24. Applicants therefore respectfully submit that Claims 1 and 23-24 define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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